

Required State Forms -- IEP

Does CDS have a form that explains the difference between IFSP/IEP? Also a CDS Written Consent Form?

No, the MUSER articulate the required elements of an IFSP and an IEP in Section IX. There is a required state IEP form for use with children three to 20 years of age. There is a required state IFSP form as well. The state has developed a consent form to be used B-20.

For "Other Health Impairment" and "Emotional and Multiple Disabilities" - It would be helpful to include a space for specific diagnosis.

This is not a requirement of the IEP.

For 3-5 year olds do we absolutely need to include the Secondary transition section 11-12 on our IEP?

No see the template language after Section 10 of the IEP.

Frequency is listed without intensity which CDS has on our IFSP/IEP. Do you need to add this to the IEP Section 7 & 8?

Duration of service would include the intensity of each session.

Gender was left off the cover page. We do have some students with ambiguous names and this omission may lead to a lack of accuracy in reporting on the EFS 05 and other reports.

If a school unit wants to include information outside of what is on the required form, they may add their own SAU Information page.

How are CDS sites to deal with Section 6 of the IEP? May we assume we don't have to write Short Term Objectives? How does this interfere with the relationship with MaineCare?

Federally, short-term objectives are not required except for students who are taking alternate assessments based on alternate standards. Since there are no state/local assessments for most, if not all, children served by CDS, then short-term objectives are not required. The DOE is working with MaineCare to clarify the new federal requirements.

How many goals do we need for each special education area we are teaching?

There are not specific numbers. The number of goals an IEP Team writes is what ever is needed to determine growth in the areas that are being addressed.

How specific do the goals at the high school need to be in terms of how they reflect Maine's Learning Results (MLR) standards - could you have something like: "Student will demonstrate proficiency in MLR standards by passing his/her math/English classes."

The State Statute states: For children in grades 9-12 the IEP shall reflect the individual goals to successfully meet the content standards of the system of Learning Results in addition to any other diploma requirements applicable to all secondary school children.

IEP: Does the new form allow for 4 Present Level of Education Performance (PLEP) and 5 Annual Goals to be reproduced for each area (i.e. math, reading, behavior, etc.) or is it now combined into 1 PLEP?

See samples for help with this.

IEP's have always been accessible. How do the new regulations change this? What needs to be done?

Section IX.3.B.(4)(a) and (b) states, "Each SAU must ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related services provider and any other service provider who is responsible for its implementation and each teacher and provider described in paragraph (3)(a) a of this section is informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for the child in accordance with the IEP."

If a student drops out or non-attends, are we obligated to measure goals?

No, not if the student has formally dropped out of school. Not attending and dropped out are handled differently. The SAU should should attempt to discover why the student is not attending and convene an IEP team meeting to consider whether the student's placement and programming are appropriate. Be sure that the school has completed its obligation regarding the truancy statute in order to try to get the student to attend.

[Required State Forms -- IEP](#)

If the classroom modification is NOT needed every time, how do you write the frequency?

If the team determines that the modification is appropriate on an "as needed basis" then that is the determination of need for this supplemental aid and/or modification.

If the student's IEP goal plans are to stay in school until 20, does the transition plan still begin at/by 16 - does it continue for 3 or 4 years?

No, the transition plan must begin by age 14 and continue until the child either ages out or receives a regular high school diploma.

If there are consultants from Baxter Outreach who provide consult services to SAU's, where should they be listed on the IEP? (Special education services? Related services? Supplemental Services?)

A related service assists the student to benefit from their special education service. Supplementary Services are supports that are provided in regular education classes and other education-related settings to enable them to participate to the maximum extent possible in the general curriculum with nondisabled peers. These two definitions need to be considered when determining what are the requirements of the outreach service.

If there is an area that does not need to be addressed on the transition plan, how is that indicated on the Plan?

State "NA" if a service is not needed.

In the frequency of services on the IEP, may an SAU use "as determined by teacher and student"?

In reference to program modifications, yes. If in reference to special education and/or related service, no.

In the IEP #7, page 5, there is no block for pay source. CDS needs that.

An additional sheet for the CDS prototype of the IEP includes the payment source.

In the IEP Form: To what does the statement at the top of page 9 relate? Is it misplaced or a part of the previous page?

No is it just continued language describing the transition requirements.

In the IEP why is secondary transition listed last? It needs to be considered BEFORE Goals and Objectives.

The order of construction is the order as listed in the federal regulations.

In the IEP, "Considerations C." - is it ok to just reference evaluations completed? "D." - is this a repeat of present levels?

In the present level, you are listing the present level of the areas that the team has decided to address through the goals. For the consideration of the results of the initial or most recent evaluations, one might write strengths and weaknesses also.

In the IEP, Page 8, Section 11, paragraph 2 ("Beginning..16") "age 14 until" should not be there. Paragraph 3 "required for students 14"?

New legislative language requires the complete transition process to start by the time the student reaches 14 years of age. The IEP now reflects the new language.

In the IEP, Section 2, Developmental Delay - may we use this in Kindergarten?

Yes, if your SAU allows it. Please reference Section VII.D. of the MUSER for the definition and time line for Developmental Delay.

In the transition section of the IEP, what should be included as a description of the child's "Course of study"? Sample?

See the sample IEPs.

Is PT and/or OT or social work, etc. considered a related service or special education service?

They are a related service for children aged 3-20.

May we at CDS add a separate page that will include all the "stuff" that seems to be missing that we need for MaineCare and Case-E?

Regional CDS sites could add a separate page for such data items. A prototype has been developed.

Modifications -- where would we place each class or mainstream for extended time on test?

Section 8 of the IEP.

Monitoring: if it's on the current IEP, is that no longer valid through the annual review (e.g. May 1, 2007- May 1, 2008)?

If monitoring as a service were on an IEP prior to August 3, 2007 then it stays there and is performed until the annual review. At the annual review, held after August 3, 2007, monitoring must be removed from the IEP.

On the IEP - for grades 9-12 -- do you develop goals for the subjects/curriculum that is taught in special education or for all areas of the content standards?

Goals are written to improve the area(s) of need determined in the Present Level.

On the IEP are items 1,2,3 and 4 only for use in Kindergarten transition?

Yes

On the IEP, can regular education teachers be reflected under Section 8 for the person responsible?

Yes.

On the new IEP, section 7, could "specially designed instruction" somehow say "in Math, in English, Science", etc., so we can know in what content area the instruction is when looking at this question?

Math is not specially designed instruction in and of itself. The present level and goals should define the area of need. If the IEP team wishes to articulate the specially designed instruction in a content area, it may do so.

Please give good examples of "functional performance" that the State would approve of in an audit of program review.

See the sample IEP forms.

Post-Secondary goals - define? What are post-secondary goals?

The post secondary goals are goals that the child will achieve after the child graduates from high school with a regular education diploma or aging out.

Question on Section 8 in the IEP - in the past, only special education services and special education staff are reflected on the IEP but accommodations are often required of regular education teachers such as those who provide a copy of notes or extended time for home work.

These needs would be written in Section 8. The language is federal language which does not include definitions for accommodations and modifications. Even though we are using federal language, this is the section for listing the accommodations and modifications for which the classroom teachers are responsible.

Related services require goals - Does that mean we will need a transportation goal if children receive this support service?

Transportation is a related service and therefore needs goals if the IEP Team determines that the child needs improvements with some aspect of transportation. Just transporting a student to and from school without a need for the student to learn or improve a skill would not require goals in the IEP.

Short-Term Objectives - Do related services providers have responsibility for these for students who take the PAAP?

The related service personnel are responsible for the content in the IEP that reflects their services.

Short-term objectives appear to be for children who will be given an alternate assessment. Where are academic goals/objectives written for students with Mental Retardation (MR) who are not taking alternate assessment and between grades 1-12?

IEP short-term objectives are only required for those students who are taking alternate assessment based on alternate standards. The IEP team could add objectives if local policy allows.

IEP Goals are required for all students with disabilities and must be listed in Section 5 of the IEP.

Short-term objectives for MaineCare reimbursement - is this only for kids enrolled in a day treatment program or is it for all kids who get a covered service?

The DOE is conferring with the MaineCare program on how to address the change in IDEA and other state regulations.

Since we need to write measurable goals, do the transition post-secondary goals need to be written in measurable terms seeing as we don't need to measure?

Measurable Post-Secondary Goals (See Section 11 of the State Required IEP) are the post-secondary goals that the student will attempt to achieve after graduation. The U.S. Office of Special Education Programs requires each state to develop a method of collecting data to see if students with disabilities, after graduating from high school, actually achieve their post-secondary goals. While the school unit is not required to do the measurement, the intent behind the transition components of the IEP is to ensure that the IEP Team develops measurable post-secondary goals and implements the student's transition plan while the student is in public secondary school.

The lack of reference to a case manager will lead to potential confusion at the local level and make long-term tracking very difficult.

Case management is listed as a related service in MUSER Section XI and would be put in Section 7 of the IEP.

There is no place to report classroom-based accommodations. Is this information no longer needed?

Section 8 of the State IEP is where classroom-based accommodations are recorded.

There is no specific place to report state and local assessment. Is this information no longer needed?

The federal regulations no longer require this. In Section 3-D of the IEP, the consideration of academic, developmental and functional need is the area in the IEP where the team could state needed information on state and local assessment results.

What about accommodations on page 6 of the IEP? These are different from modifications on transition plan, can we leave the "needs and objectives" blank if there is nothing needed there? Can you send us some examples of completed Written Notice forms?

Samples may be found at
<http://www.maine.gov/education/forms/specservices.htm>

What does "Location of need in IEP" mean on page 2 of the IEP form?

When checking the box for a needed consideration, the location of need must reflect where this need is addressed in the content of the IEP, such as the page number or section.

Where in the IEP would the SAU write classroom modifications?

Accommodations and Modifications are written in Section 8 of the IEP.

Why doesn't the IEP cover page include the type of meeting?

It is on the Written Notice and the advance notice of IEP meeting.

Why is "peer-reviewed research" referenced in #8 but not #7?

Section 7 and 8 of the IEP are meant to be read as one continuous statement.

Why isn't assistive technology listed as a related service for many children 0-5?

If assistive technology is needed as a service, the IEP team would address this in Section 7 of the IEP. If the child needs an assistive technology device, the IEP team would address this in Section 8 of the IEP.

Will we have to include pages 8, 9, and 10 for students ages 3-14?

After Section 10, the IEP states: "If the child's IEP does not require Section 11, 'Secondary Transition', and Section 12, 'Age of Majority', this will be the last page of the IEP."

Will you post several "exemplar" IEP documents as models?

Yes. See www.maine.gov/forms/specservices/htm

Would it be possible for CASE-E to develop the forms in portrait format as opposed to landscape?

The IEP must remain in landscape format.

Required State Forms -- Written Notice (WN)

7 days written notice - does this mean 7 school days prior to implementation?

7 days means calendar days. Anytime the word "day" by itself is used it is a calendar day.

As a practical matter, do you envision the Written Notice being done right at the meeting or typed and sent shortly after?

Written Notice can be completed at the meeting or soon thereafter.

Can a new program determined by the IEP team be initiated the next day or should it be dated for 7 days later?

If the parent is in attendance at the IEP team meeting and the team and the parent agree to an early startup date for the program, add this agreement to a response in your Written Notice .

Do you send the Written Notice before you give the evaluation or after the evaluation is completed and have an IEP team meeting to discuss the evaluation?

A Written Notice would go prior to the evaluation to let the parents know what is being proposed or refused. At the IEP meeting to discuss the evaluation results you would do another Written Notice with the results of the meeting.

Does the "Written Notice" take the place of "Initial Referral Letter", "Consent for Placement Letter", "Consent for Evaluation Letter"?

An SAU may decide to send a cover letter with each WN if that is a practice they wish to continue.

Exactly WHEN is the Written Notice supposed to be sent? Before the annual IEP team meeting or after the meeting but before the IEP goes into effect?

WN for an annual review is sent out AFTER after the meeting.

For seniors whom we know will meet graduation requirements, do we need a full meeting or will the Written Notice suffice?

Annual review dates must be honored for all students and at this meeting, WN will be completed to reflect graduation status.

For transfer students implementing comparable services, does this fall under other IEP Program on the Written Notice?

Section 300.323 of the federal regulation states: If a child with a disability (who has an IEP that was in effect in a previous public agency in the same state) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency) until the new public agency either 1) Adopts the child's IEP from the previous public agency or: 2) Develops, adopts, and implements a new IEP that meets the applicable requirements of 300.320 through 300.324. There is no longer an automatic requirement for the new public agency to complete a Written Notice for a transfer student, but they must consult with the parent. If an IEP meeting is held and a new IEP developed, then you must also send Written Notice after the meeting.

If a small amendment is made to the IEP without an IEP team meeting, is a Written Notice Required?

Yes.

If the IEP team met on May 1 and made a change to the IEP, may the change go into effect on May 2 or must it wait for 7 days - until the Written Notice has been sent to the parent?

If the parent agrees to begin the program before the seven days notice, add the discussion to the WN.

Is the Written Notice form used for the IEP meeting notice? (i.e. annual review?) if so, where do we list the participants?

No, the form "Advance Notice of the IEP Meeting" is the form used for notification of the meeting.

Is Written Notice for CDS children only required for evaluation initiated by CDS? What about private contractors who do evaluations/re-evaluations without CDS knowledge?

CDS is responsible for CDS-ordered evaluations per IEP/IFSP team decisions. Written Notice is required. WN is not required for evaluations conducted at the request of the parent or health care provider.

Required State Forms -- Written Notice (WN)

Is Written Notice only completed after a meeting has been held?

The references at the top of the WN form indicate when this document must be completed.

Must the SAU put ESY on the Written Notice?

Yes, if the IEP Team determined this was a needed service.

On the back page of the Written Notice, do we always list IEP team members and position for every IEP team meeting?

YES!

On the Written Notice, for initial referral for questions 1,2,3,4,5 may one write: "see referral form"?

No, you must complete the document.

On Written Notice where would the teacher comments go if they had been excused from the meeting? (One of the student's teachers)

Written Notice can reflect any relevant comments by the excused IEP team member.

On Written Notice, Section 4 - may we write "No other options considered?"

This section of the form allows the IEP team to reflect the rationale for the LRE.

When do you send Written Notice for initial referral?

WN is sent as soon as the referral is initiated. The initiation date of the referral is defined in the SAU's policy on referral.

When writing a Written Notice at an IEP team meeting, should the IEP start date be 7 calendar or school days after the IEP team meeting?

Seven calendar days.

Required State Forms -- Written Notice (WN)

Who signs the Written Notice? What makes the IEP & Written Notice legal documents without signatures?

The WN only needs the parent's signature when the meeting is for consent for initial placement. Federal regulations do not require a signature on an IEP.

Written Notice - should this notice include implementation of the IEP due to transferring student?

If the child is a child with a disability, MUSER states that an SAU must consult with parents. The requirement for a transfer WN is not in MUSER. If you have an IEP meeting, then the results of that meeting and offerings are incorporated into the WN.

Written Notice required form should be more expansive than just SAU - like = IEU, public education unit, etc.

M.U.S.E.R. states in Section I, the term SAU includes IEU.

Written Notice: if the parent wants us to provide a "service" and the rest of the team does NOT find this necessary, can this be documented on this form, especially if the parent wants the "NO" in writing?

It MUST be documented in the WN as it is a refusal.

[Speech / Language Eligibility Criteria Forms](#)

Do I only use this form for an Identification Meeting/Evaluation/Re-Evaluation Meeting?

Yes, and the form could also be used when the team is discussing a change in eligibility.

For the Eligibility Criteria form, do you need to answer “yes” to all questions in order for the student to be eligible. Shouldn’t the form say that someplace?

The Eligibility Criteria document is summative. If the answers to A, B , and C are yes then the Team would determine that the student is eligible.

How do you determine the “total” severity using the rating scales? You can rate each section, but if the responses go across multiple severity ratings, what do we call the final rating? In the Colorado scales, there were numerical values assigned to each level of severity for each category, and then ranges of totals to determine the overall severity. What do we do here?

The scale is designed to have teams look at consistent data points from which the team would develop an overall clinical determination of the severity of speech/language needs without summing the results of the scale. We did not want to have a complex form such as Colorado's.

On the Eligibility Criteria (c), the choices given say “and/or”. Does this mean you don’t have to have an observation in the learning environment that supports a disability, and that adverse effect could be determined by grades/testing only?

"C" references a clinical observation which is one done by the person evaluating the child and recording those observations noted during the testing process. The observation in the learning environment is a different observation required in M.U.S.E.R. Section V.4.C.

Under the language severity rating scale, there are no descriptions of language for the severity categories other than “no apparent problem”.

There is a definition at the top of the first page of the scale which is meant to serve as a guide. The district that developed this scale utilizes the definition as a guide and team members reflect their clinical judgment to determine severity based on the form, content and/or functional use of language.

[Speech / Language Eligibility Criteria Forms](#)

Under the rating scales, my Formal Testing does not show a Moderate to a Severe rating. But, the 'Effect on communication' and 'Effect on education' is in the moderate rating level. Do they then qualify for Speech and Language Services based on classroom observations by special education staff and teacher's reports about what they observe in the classroom? Part B. Is the classroom observation and teacher's input enough for verification?

Part A "for assessments that do not provide standard scores' does the student have a moderate to severe? If the student is considered impaired by teacher report...there must be a way that this can be quantified for eligibility purposes.

What if we have students who transfer into our SAU and the criteria under which they were identified is not significant enough to qualify them for speech/language services under our new criteria. May I use this form to show that they do not qualify for services?

Yes

Summary of Performance (SOP)

Can the summary of performance be mailed following graduation? What is the timeline?

The law states that the Summary of Performance is required when a child either ages out or graduates with a regular high school diploma. A reasonable period would be around the actual graduation date or date of aging out. The purpose of this document is to assist the student in reaching their post-secondary goals; therefore the student needs the document for their next steps following graduation or aging out.

In the case of students being tuitioned to public high school, who is responsible for the summary of performance?

The sending district is responsible for the SOP, but be sure the person who completes the summary knows the child and can provide complete information for the summary.

When do you do the Summary of Performance? Does it need to be completed at an IEP team meeting?

No, it does not need to be completed at an IEP meeting. It must be given to the student who is aging out and/or graduating with a regular education diploma. Please see Question 1 on this page.

With the summary of performance (SOP), who is responsible for the follow up of the recommendations?

The SAU is not responsible for the follow up activities described in the SOP.

MUSER Section V.3.F(2)(b) states:

(ii) Summary of performance. -- For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

The federal regulations are silent on responsibility for implementing any recommendations in the SOP.

Terms

Is the term "exceptionality" still being used, or has it been changed to "disability"?

No, the term is "a child with a disability".

[Transfer student in same SAU](#)

What if a child moves from one school to another within the same district. Do the time lines for evaluations stand?

Yes, the responsibility is unit by unit, not school by school.

If the transfer is from unit to unit, MUSER Section V.1.A.(3)(b)(i) applies:

(b) Exception.--The relevant timeframe in clause (a)(i) shall not apply to a SAU if:

(i) A child enrolls in a school served by the SAU after the relevant timeframe in clause (a)(i) has begun and prior to a determination by the child's previous SAU as to whether the child is a child with a disability (as defined in 20 USC 1402), but only if the subsequent SAU is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent SAU agree to a specific time when the evaluation will be completed;